



PRELIMINARY DRAFT
No. 3507

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 36-3-2-3.

Synopsis: Indianapolis special service districts. Reinstates the authority of the Marion County city-county council to adopt an ordinance expanding the fire special service district. Provides that the city-county council may adopt such an ordinance only if it determines that the consolidated city can provide reasonable and adequate fire protection service within the additional territory and that expansion of the district is in the public interest.

Effective: July 1, 2006.



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-3-2-3, AS AMENDED BY P.L.227-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A special service district of the consolidated city:

- (1) may sue and be sued;
- (2) may exercise powers of the consolidated city to the extent that those powers are delegated to it by law, but may not issue bonds; and
- (3) shall provide services to property owners only in the district, unless a law provides otherwise.

(b) A special service district or special taxing district shall be administered under the jurisdiction of a department of the consolidated city or the county. The territory of a special service district or special taxing district may be expanded, in the manner prescribed by law, to include territory inside the county that is not originally included in the district.

(c) The city-county legislative body may, by ordinance, expand the territory of a **special service district, subject to the following:**

(1) In the case of the fire district, the legislative body must hold a public hearing and may pass an ordinance to expand the territory only if the legislative body determines:

(A) that reasonable and adequate fire protection service can be provided within the additional territory by the consolidated city; and

(B) that expansion of the district is in the public interest.

(2) In the case of a solid waste collection district, as follows: the following:

~~(1)~~ **(A)** The ordinance may not be considered unless a petition to include additional territory in the district is first submitted to the works board for study and recommendation.

~~(2)~~ **(B)** The petition must be signed by at least ten (10)



1 interested residents in the proposed additional territory.
2 ~~(3)~~ (C) After receiving the petition, the works board shall:
3 ~~(A)~~ (i) set a date for a public hearing;
4 ~~(B)~~ (ii) publish notice of the hearing in accordance with
5 IC 5-3-1; and
6 ~~(C)~~ (iii) upon hearing the matter, determine whether the
7 territory should be added to the district.
8 ~~(4)~~ (D) If the works board recommends that the territory
9 should be added to the district, the legislative body must hold
10 a public hearing and then may pass the ordinance.
11 ~~(5)~~ (E) Territory in the solid waste collection district may also
12 be removed from the district in the manner prescribed by this
13 section.

